**Mr. E. Ikkanda Warriar** *(Prime Minister):* I second it.

**Mr. P. Govinda Menon** *(Minister for Finance and Law):* The International Trade agreement for regulation of the export of tea and for the control of extension of tea cultivation expired on 31st March 1948. Government of India had however with the consent of all the parties concerned entered into an interim arrangement for continuing the arrangement for two years more and amended their Act for their purpose and certain other purposes consequent on recent constitutional changes in India and have asked this Government to do so. It is to implement their proposal that it has been proposed to introduce the present Bill. The amendments are consequential to this proposal. The Bill is of a formal character.

*Motion put and carried*

**Secretary to the Assembly:** The title of the Bill is "The Cochin Tea Cultivation Restriction Act (Amendment) Bill"

**Mr. P. Govinda Menon** *(Minister for Finance and Law):* Sir, I pray that the Standing Order 32 may be suspended.

**Mr. President:** Yes, Standing Order 32 is suspended.

**Mr. P. Govinda Menon** *(Minister for Finance and Law):* I move that the Bill be taken into consideration.

**Mr. E. Ikkanda Warriar** *(Prime Minister):* I second it.

*Motion put and carried*

*Clause 2 to 7 put and carried*

*Clause 1 put and carried*

*Title and Preamble put and carried*

**Mr. P. Govinda Menon** *(Minister for Finance and Law):* Sir, I move that the Bill be taken up and finally passed to-morrow.

**Mr. E. Ikkanda Warriar** *(Prime Minister):* I second it.

*Motion put and carried*

### (iv) The United Nations Security Council and Privileges and Immunities Acts (Application) Bill

*Mr. P. Govinda Menon** *(Minister for Finance and Law):* Sir, I move that the United Nations Security Council and Privileges and Immunities Acts (Application) Bill be read in the Assembly.

**Mr. E. Ikkanda Warriar** *(Prime Minister):* I second it.

**Mr. P. Govinda Menon** *(Minister for Finance and Law):* The principles of this Bill can very easily be stated. India, as the House knows, is one of the members of the United Nations Organisation. Under Article 41 of the Charter of the United Nations signed at San Francisco on the 26th day of June 1945, the Security Council of the United Nations calls upon all its member Governments to apply any measures not involving the use of armed forces to give effect to any decision of that Council, that is to say, application of sanction. This Charter, having been signed by all the member nations of the United Nations Organisation, it has become the duty of every member nation to enact legislations to carry out this object. Accordingly, India, which is one of the members, passed a legislation in the Central Assembly called the United Nations Security Council Act 1947. Now for International purposes, Cochin State is a part of India, and therefore the legislation enacted by the Central Legislature in pursuant to undertakings made on behalf of India in the United Nations must be applicable to cochin also. But it is an accident of the present constitutional set up in India that such legislations, even when passed by the Central Government do not apply to Cochin territory and to territories of other Indian States. But, we being part of India, it is our duty to enact a similar legislation, because, on behalf of India, undertakings have been made in the United Nations.

Another bill which has been passed by the Dominion Legislature is called the United Nations Privileges and Immunities Act, 1947. That Act has been passed for certain very important purposes. The United Nations organisation is sought to be made a legal person, that is an entity which can sue and be sued in Courts of Law by this Legislation. But, for this legislation, it would not have been sued. Then certain immunities and privileges are granted to the representatives of the United Nations Organisation in the territory of India. These are the objects of the Legislation called the United Nations Privileges and Immunities Act 1947. Now naturally after the passage of these legislations in the Central Legislature, the Government

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* Speech not corrected by the Hon'ble member.

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[Mr. P. Covinda Menon]

of India requested Cochin Government to enact similar legislations in Cochin. In such cases, it was usual for this Government to issue these laws by Proclamations. Government did not consider it proper that in the present set up these laws should be issued as proclamations. It is Government's anxiety to see that the members of this House should discuss and get conversant with these international matters as well and therefore, Government thought that it is much better that these legislations go through the normal channels of legislation in the State. That is why these two legislations are now placed in this House. But, in doing so, we adopted a different procednre. The two Government of India Legislations are appended as appendix to a bill placed before this House, in which it is stated that the two bills appended to this Bill may become law in this State. That is why, these two legislations together are sought to be passed through this House by a legislation, bearing a rather cumbersome way namely the United Nations Security Council and Privileges and Immunities Acts (Application) Bill. I pray that the House may be pleased to pass this Bill unanimously.

**Mr. President:** The question is that the United Nations Security Council and Privileges and Immunities Acts (Application) Bill be read in the Assembly.

*Motion, put and carried*

**Secretary to the Assembly:** The title of the Bill is the United Nations Security Council and Privileges and Immunities Acts (Application) Bill.

**Mr. P. Govinda Menon** *(Minister for Finance and Law):* Sir, I move that Standing Order 32 may be suspended.

**Mr. President:** S. O. 32 is suspended.

**Mr. P. Govinda Menon** *(Minister for Finance and Law):* Sir, I move that the Bill be taken up into consideration.

**Mr. E. Ikkanda Warrier** *(Prime Minister):* I second it.

**Mr. President:** The question is that the United Nations Security Council and Privileges and Immunities Acts (Application) Bill be taken into consideration.

*Motion, put and carried*

**Mr. President:** The question is that Clauses 2 to 4 of the Bill stand part of the Bill.

*Motion, put and carried*

The question is that Clause stands part of the Bill.

*Motion, put and carried*

The question is that the title and preamble stand part of the Bill.

*Motion, put and carried*

**Mr. P. Govinda Menon** *(Minister for Finance and Law):* Sir, I move that the bill be taken up end finally passed to-morrow.

**Mr. E. Ikkanda Warrier** *(Prime Minister):* I Second it.

**Mr. President:** The question is that the United Nations Security Council and Privileges and Immunities Acts (Application) bill be taken up and finally passed to-morrow.

*Motion, put and carried*

**Mr. C. V. Iyyu** *(Kunnamkulam):* Formerly, even on official days, if there is time, non-official business such as resolutions in the ballotted order were taken every day. Now that there is ample time at the disposal of the House, I request that the President may be pleased to allow the non-official resolutions in the ballotted order to be taken up.

**Mr. President:** Formerly, at the end of the Agenda for each day non-official resolutions in the ballotted order used to be taken up. But this time, it was thought advisable to put the resolutions on the non-official day and not to have it on other days as before. So that experiment is being tried in this House and if there is much time after every day's business that question can be considered in the next meeting. This is of course an experiment that has been tried. In view of the fact that every day we find some surplus time after the business posted for the day, the question will be considered whether we should again go back to the old system of having non-official resolutions on every day after the business for the day is over.

The House stands adjourned till 3 p. m. to-morrow.

*The House rose for the day at 5 p. m.*

N. I. OUSEPH
*Secretary*

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*Statement of Objects and Reasons*

The international trade agreement for regulation of the export of tea and for the control of extension of tea cultivation expired on 31st March 1948. Government of India had however with the consent of all the interests concerned entered into an interim arrangement for continuing the arrangement for two years more and amended their Act for this purpose and certain other purposes consequent on recent constitutional changes in India and have asked this Government to do so. It is necessary to give effect to the interim arrangement and the amendment Bill is mainly intended for this.

## APPENDIX VIII

### The united Nations Security Council and Privileges and Immunities Acts (Application) Bill

*Preamble.*—Whereas it is necessary to give effect to certain provisons of the Charter of the United Nations and to the Covention on the Privileges and Immunities of the United Nations and to enable similar privileges and Immunities to be enjoyed by the other international organisations and their representatives and officials; It is hereby enacted as follows.

1. *Short title extent and commencement.*—(1) This Act may be called the United Nations Security Council and Privileges of Immunities Acts (Application) Act of 112 .

(2) It shall extend to the whole of Cochin State and shall come into force at once.

2. *Application of the United Nations Security Council and Privileges of Immunities Acts.* The United Nations (Security Council) Act, 1947, and the United Nations (Privileges and Immunities) Act, 1947, enacted by the Government of India and all rules that may be issued, from time to time by that Government under the said enactments shall *mutatis mutandis* apply to Cochin State, and references in the said Acts or Rules to the Central Government shall, unless the context otherwise requires, be construed as references to the Government of Cochin.

3. *Empowering the courts to construe the provisions of the Acts.*—For the purpose of facilitating the application of the aforesaid Acts any court may construe any provision with such modifications not affecting the substance as may be necessary or proper to adopt the same to the matter before it.

4. *Exercise or performance of duties incidental to the operation of the Acts,*—Government may, by notification in the Cochin Government Gazette, direct by what persons or authority any jurisdiction, powers or duties incidental to the operation of the said Acts and Rules shall be exercised or performed.

## APPENDIX

### ACT No. XLIII OF 1947

### (Passed by the Dominion Legislature)

*Received the assent of the Governor-General on the 20th December 1947)*

### An Act to enable effect to be given to certain provisions of the Charter of the United Nations

Whereas it is expedient to enable to be given to certain provision of the Charter of the United Nations; It is hereby enacted as follows.—

1. *Short Title.*—This Act may be called the United Nations (Security Council)Act, 1947.

2. *Measures under article 41 of the Charter of the United Nations.*—If, under Article 41 of the Charter of the United Nations signed at San Francise on the 26th Day of June 1945 the Security Council of the United Nations calls upon the Central Government to apply any measures, not involving the use of armed force, to give effect to any decision of that Council, the Central Government may, by order published in the Official Gazette, make such provisions (including provisions having extra-territorial operation) as appear to it necessary or expedient for enabling those measures to be effectively applied, and without prejudice to the generality of the foregoing power, provision may be made for the punishment of persons offending against the order.

### ACT No XLVI OF 1947

### (Passed by the Dominion Legislature)

*(Received the assent of the Governor-General on the 20th December 1947)*

### An Act to give effect to the Convention on the Privileges and Immunites of the United Nations

Whereas it is expedient to give effect to the Convention on the Privileges and Immunities of the United Nations, and to enable similar privileges and immunities to be enjoyed by other international organisations.

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